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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO **Plaintiff,** **V.** **BRYAN C. KOHBERGER,** **Defendant.**	**CASE NUMBER CR01-24-31665** **REPLY TO STATE'S RESPONSE TO DEFENDANT'S MOTION IN LIMINE #12** **RE: MAKE AND MODEL OF SUSPECT VEHICLE**

COMES NOW, Bryan C. Kohberger, by and through his attorneys of record, and hereby replies to the State's Response to Motion in Limine 12 RE: Make and Model of Suspect Vehicle filed with the Court on March 17, 2025.

Idaho Rules of Evidence States that relevant evidence is admissible. (IRE 402) Relevant Evidence is that which has any tendency to make a fact more or less probable than it would without the evidence and the fact is of consequence in determining the action. (IRE 401) The Court may exclude relevant evidence if its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, or misleading the jury (IRE 403)

Here, Mr. Kohberger's motion sought to prevent the State from saying that: the vehicle depicted on the 1112 King Road camera was a Hyundai Elantra and that the vehicle was the same vehicle identified as an Elantra on the 1125 Ridge Road camera. That is in the province of the jury.

The State points out there is no continuous video stream to observe a path of travel. As the State points out they cannot show a vehicle at 1112 King continuously moving to the location of 1125 Ridge Road. Because they are two separate videos, separated by distance, and opportunity for other places to drive or park, and opportunity for other vehicles to appear on camera, it is a question for the jury.

The State's argument would make sense if Mr. Kohberger sought exclusion of the 1112 video. He seeks exclusion of speculative statements that are in the province of the jury. Mr. Kohberger is not seeking to exclude SA Imel's testimony on these grounds. His testimony about what make and model the vehicle at 1112 King Road will be subject to cross examination at trial.

The State's label and claim that the vehicle on the various videos is the same is a fact to be determined by the jury.

DATED this ___24____ day of March, 2025.

BY: _____
ANNE C. TAYLOR
ANNE TAYLOR LAW, PLLC

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served as indicated below on the ___24___ day of March, 2025 addressed to:

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